

OFFICIAL LOCAL FORM 3

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date: June 1, 2016  
Debtor: Richard F Cerrone, Jr.  
SS#: xxx-xx-0549  
Address: 4 Glade Steet  
Worcester, MA 01610

Docket #: 16-40812-HJB  
Co-Debtor: \_\_\_\_\_  
SS#: \_\_\_\_\_  
Address: \_\_\_\_\_

Debtor's Counsel: Ray Mestre BBO# 558221  
405 Main Street  
4th Floor  
Address: Worcester, MA 01608-1725  
Telephone #: 508-752-3718  
Facsimile #: 508-752-5918

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**OFFICIAL LOCAL FORM 3**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**PRE-CONFIRMATION CHAPTER 13 PLAN**

**CHAPTER 13 PLAN**

Docket No.: \_\_\_\_\_

DEBTOR(S): (H) Richard F Cerrone, Jr.

SS# xxx-xx-0549

(W) \_\_\_\_\_

SS# \_\_\_\_\_

**I. PLAN PAYMENT AND TERM:**

Debtor's shall pay monthly to the Trustee the sum of \$ 547.00 for the term of:

☒ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

\_\_\_\_\_; or

☐ \_\_\_\_ Months. The Debtor states as reasons therefore:

\_\_\_\_\_

**II. SECURED CLAIMS**

**A. Claims to be paid through the plan (including arrears):**

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
<u>Ocwen Loan Servicing</u>	<u>Pre-petition arrears</u>	\$ <u>16,803.63</u>

Total of secured claims to be paid through the Plan \$ 16,803.63

**B. Claims to be paid directly by debtor to creditors (Not through Plan):**

Creditor	Description of Claim
<u>Ocwen Loan Servicing</u>	<u>First Mortgage</u>
<u>Webster First Federal Credit Union</u>	<u>Auto Loan</u>

**C. Modification of Secured Claims:**

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
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Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
<b>Franklin Credit Management Corporation</b>	<b>Pursuant to Section 506(a) and 1322 (b)(2) the second mortgage lien, dated February 15, 2007 and recorded at the Worcester Registry of Deeds at Book number 40700, Page 238 shall be stripped upon the Court's Order confirming this Plan and the successful completion of this Plan. Upon the completion of payments under the Chapter 13 plan and and upon closing of this case, the above lien will be deemed wholly null and void for the purpose of refinancing or sale of the property. As the claim was discharged in Debtor's prior Chapter 7 Bankruptcy, the claimant will receive no distributions in this bankruptcy.</b>	<b>0.00</b>

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of -NONE-  
; or
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of -NONE-  
.
- iii. The arrears under the lease to be paid under the plan are 0.00.

III. PRIORITY CLAIMS

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$

B. Other:

Creditor	Description of Claim	Amount of Claim
<b>City of Worcester</b>		\$ <b>900.00</b>

Total of Priority Claims to Be Paid Through the Plan \$ 900.00

IV. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ 0.00

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

## V. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of 0 % of their claims.

A. General unsecured claims:

\$ 0.00

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
<u>Franklin Credit Management Corporation</u>	<u>In rem lien only to be voided</u>	\$ <u>0.00</u>

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of claim	Amount of Claim
<u>-NONE-</u>		\$ <u></u>

Total of Unsecured Claims (A + B + C):

\$ 0.00

D. Multiply total by percentage: \$ 0.00

(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>		\$ <u></u>

Total amount of separately classified claims payable at  %

\$ 0.00

## VI. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Miscellaneous provisions:

## VII. CALCULATION OF PLAN PAYMENT

A) Secured claims (Section I-A Total):	\$ <u>16,803.63</u>
B) Priority claims (Section II-A&B Total):	\$ <u>900.00</u>
C) Administrative claims (Section III-A&B Total):	\$ <u>0.00</u>
D) Regular unsecured claims (Section IV-D Total):	\$ <u>0.00</u>
E) Separately classified unsecured claims:	\$ <u>0.00</u>
F) Total of a + b + c + d + e above:	= \$ <u>17,703.63</u>
G) Divide (f) by .90 for total including Trustee's fee:	\$ <u>19,692.00</u>
Cost of Plan=	\$ <u>19,692.00</u>

(This represents the total amount to be paid into the Chapter 13 plan)

H. Divide (G), Cost of Plan, by Term of Plan,	<u>36</u> months
I. Round up to nearest dollar for Monthly Plan Payment:	\$ <u>547.00</u>

(Enter this amount on page 1)

Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation

adequate protection payments directly to the secured creditor.

## VIII. LIQUIDATION ANALYSIS

### A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
<b>4 Glade Steet Worcester, MA 01610 Worcester County</b>	\$ <u>220,476.00</u>	\$ <u>335,271.46</u>

Total Net Equity for Real Property:	\$ <u>0.00</u>
Less Exemptions (Schedule C):	\$ <u>0.00</u>
Available Chapter 7:	\$ <u>0.00</u>

### B. Automobile (Describe year, make and model):

**2005 Four Winds Express Lite  
M-28G-SL N/A miles  
Location: 4 Glade Steet, Worcester  
MA 01610**

Value \$	<u>6,000.00</u>	Lien \$	<u>0.00</u>	Exemption \$	<u>6,000.00</u>
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Total Net Equity:	\$ <u>6,000.00</u>
Less Exemptions (Schedule C):	\$ <u>6,000.00</u>
Available Chapter 7:	\$ <u>0.00</u>

C. All other Assets (All remaining items on Schedule B): (Itemize as necessary)

Old time canoe and electric motor for  
canoe ( 10-15 years old bought used)

Location: 4 Glade Steet, Worcester MA 01610

Household furnishing

Location: 4 Glade Steet, Worcester MA 01610

Television set, computer. All over 10 years old

Firearm (Mossberg 500 viking)

Location: 4 Glade Steet, Worcester MA 01610

Normal clothes

Location: 4 Glade Steet, Worcester MA 01610 and person

Jewelry

Location: 4 Glade Steet, Worcester MA 01610 and person

Cash on hand

Checking: Central One Federal Credit Union

P.O. Box 280

Shrewsbury, MA 01545

Savings: Webster First Federal Credit Union

211 Greenwood Street

P.O. Box 70505

Worcester, MA 01607

Checking: Webster Five Cents Savings Bank

10 A Street

Auburn, MA 01501

Life insurance Policy (Term Life)

Fidelity and Guaranty Life Insurance Company

1001 Fleet Street

Baltimore, MD 21202

Beneficiary: Jean M. Julien

Judgment from Worcester Housing Court, No.

13H85SP2106 ( Richard Cerrone, Jr. v. Michael Sweeny and Samantha Mackenzie)

Judgment issued 9/12/2013. Whereabouts of the Defedants are not known and not  
likely to collect

Burial Plots

Worcester County Memorial Park

217 Richards Avenue

Paxton, MA 01612

Total Net Value: \$ 112,047.84

Less Exemptions (Schedule C): \$ 10,000.00

Available Chapter 7: \$ 102,047.84

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ 102,047.84

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Ray Mestre BBO#

June 1, 2016

Ray Mestre BBO# 558221

Date

Debtor's Attorney

Attorney's Address: 405 Main Street

4th Floor

Worcester, MA 01608-1725

Tel. #: 508-752-3718 Fax: 508-752-5918

Email Address: rmestre@cla-ma.org

**I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.**

Date June 1, 2016

Signature /s/ Richard F Cerrone, Jr.  
Richard F Cerrone, Jr.  
Debtor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

<b>In re:</b>	)	
	)	
<b>Richard Cerrone</b>	)	
<b>Debtor</b>	)	<b>Chapter 13</b>
	)	<b>Case No. 16-40812-HJB</b>

**CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN**

I, the undersigned, hereby certify that on June 1, 2016, I filed the Debtor's Chapter 13 Plan via the CM/ECF system, and that this document filed through the ECF system will be sent to the registered participant as identified on the Notice of Filing (NEF) , including::

Richard King, Esq., U.S. Trustee  
Denise M. Pappalardo, Esq., Chapter 13 Trustee

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following parties listed below:

Denise Pappalardo, Chapter 13 Trustee  
11 Pleasant Street  
P.O. Box 16607  
Worcester, MA 01601

City of Worcester,  
P.O. Box 15602  
Worcester, MA 01615-0602

Deutsche Bank National Trust Co, as "Certificate Trustee on Behalf of Bosco, Credit II Trust  
Series 2010-1  
1761 East Street, Andrew Place  
Santa Ana, CA 92705

Fannie Mae  
3900 Wisconsin Avenue, NW  
Washington, DC 20016

Franklin Credit Management Corporation  
101 Hudson Street, 25th Floor  
Jersey City, NJ 07302

Ocwen Loan Servicing  
1661 Worthington Road, Suite 100  
West Palm Beach, FL 33409



Webster First Federal Credit Union  
P.O. Box 70505  
Worcester, MA, 01607

Orlans Moran PLLC  
P.O. Box 540540  
Waltham, MA 02454

Jean Julien  
4 Glade Street  
Worcester, MA 01610

Signed under the pains and penalties of perjury.

/s/ Ray Mestre  
Ray Mestre

Dated: June 1, 2016